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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,706	11/24/1999	TAKAFUMI MIZUNO	35.C14035	6598
5514	7590	10/04/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LUDWIG, MATTHEW J	
			ART UNIT	PAPER NUMBER
			2178	
DATE MAILED: 10/04/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/449,706	MIZUNO, TAKAFUMI
	Examiner	Art Unit
	Matthew J. Ludwig	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7,11-18,22 and 23 is/are rejected.

7) Claim(s) 8-10 and 19-21 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This action is responsive to communications: application filed 11/24/99. Foreign priority date of 11/26/98 has been verified.
2. Claims 1-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Shafer in view of Murashita.
3. Claims 1-23 are pending in the case. Claims 1, 12, and 23 are independent claims.

Claim Rejections - 35 USC § 112

4. The rejection of Claim 9 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention has been withdrawn pursuant to the applicant's argument.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 11-18, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafer et al., U.S. Patent Number 5,583,762 filed (8/22/94) in view of Murashita, U.S. Patent Number 6,330,574 filed (3/30/98).

In reference to independent claim 1, Shafer discloses:

The reduction acquires and operates discretely upon each grammar element of the hierarchical tree structure. Then a determination is made as to whether each acquired grammar element is combined with a rule of a given form of tree structure. See column 3, lines 30-40. The reference demonstrates a ***physical structure judging step*** when it states the '*determination is made as to whether each such acquired grammar element is combined with a rule.*' Shafer's grammar elements consist of tags within a document. The reference further discloses a reduced grammar or DTD evolved essentially as an automatic process from the originally produced sample document grouping. This process demonstrates the physical structure judging step method based upon the evaluation of SGML elements. Shafer makes reference to a '*reduction based upon the semantics of SGML wherein, when the text is present at the same level of structure, then the structure probably is errant*'.

The reference does not explicitly disclose judging a semantic structure of each document element. However, Murashita teaches a special code discriminating unit for determining whether inputted coded data is a special code showing inputting of coded data of a tag (compare to (compare "***judging a similarity of the tags based on judgment results of said physical structure judging step***"). See column 6, lines 55-67. The reference demonstrates a tag evaluation process as well as a decoding step, which would have provided a proficient technique of merging a tag with a decode table.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Shafer and Murashita before him at the time the invention was made, to modify the document type definition methods taught by Shafer to include the tag discriminating methods of

Murashita, because the tag methods would have provided a designer the added benefit of having a reduced grammar.

In reference to dependent claim 2, Shafer discloses:

The program has looked to determine whether there is text around the tag that was found, and that text is marked PCDATA. The program thus knows where the text is and knows where the tags are. The reference does not explicitly disclose judging the physical structure of the document element based on an indentation or a blank line; however, the generation and reduction methods of Shafer demonstrate the analyzing the tags as well as text within the tags. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an indentation as part of the analysis of text because it would have extended the benefit of the tag extraction process and developed tag list.

In reference to dependent claim 3, Shafer discloses:

The program has looked to determine whether there is text around the tag that was found, and that text is marked PCDATA. The program thus knows where the text is and knows where the tags are. The reference does not explicitly disclose judging the physical structure of the document element based on an indentation or a blank line; however, the generation and reduction methods of Shafer demonstrate the analyzing the tags as well as text within the tags. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an indentation as part of the analysis of text because it would have extended the benefit of the tag extraction process and developed tag list.

In reference to dependent claim 4, Shafer discloses:

The program has looked to determine whether there is text around the tag that was found, and that text is marked PCDATA. The program thus knows where the text is and knows where the tags are. The reference does not explicitly disclose judging the physical structure of the document element based on an indentation or a blank line; however, the generation and reduction methods of Shafer demonstrate the analyzing the tags as well as text within the tags. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an indentation as part of the analysis of text because it would have extended the benefit of the tag extraction process and developed tag list.

In reference to dependent claim 5, Shafer discloses:

The program thus knows where the text is and knows where the tags are. The matching tag procedure performs in conjunction with the tag list developed. See column 8, lines 50-65.

In reference to dependent claim 6, Shafer discloses:

A reduction based upon the semantics of SGML wherein, then text is present at the same level of structure, then the structure probably is errant. See column 14, lines 45-50.

In reference to dependent claim 7, Shafer discloses:

In carrying out the overall reduction, a single grammar element is acquired and a reduction as elected by the reduction guide is carried out with respect to the grammar element. The next grammar element is accessed and the same procedures are carried out. See column 13, lines 18-25.

In reference to dependent claim 11, Shafer discloses:

The reduction acquires and operates discretely upon each grammar element of the hierarchical tree structure. Then, a determination is made as to whether each such acquired

grammar element is combined with a rule of a given form of tree structure. See column 3, lines 32-38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shafer to utilize similar techniques of analyzing tags to provide an analysis of a start tag and end tag having the same title for the preparation of generating document type definition based on the information.

In reference to dependent claim 12-22, the limitations of these claims are the apparatus for carrying out the method of claims 1-11, and are rejected under the same rationale.

In reference to independent claim 23, the limitations of this claim is the computer program product for carrying out the methods of claim 1, and is rejected under the same rationale.

Allowable Subject Matter

7. Claims 8, 9, 10, 19, 20, 21, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 7/24/03 have been fully and carefully considered but they are not persuasive.

It is respectfully noted that applicant's incorporation of new limitations into independent claim 1, changes the scope of the claim's limitations when interpreted as a whole. Therefore, the instant rejections have been adjusted accordingly.

Applicant argues on pages 11 & 12 of the amendment that the reference does not teach or suggest the limitations of independent claim 1. Applicant further states that Shafer does not disclose judging the similarity between the physical structures of each of the document elements

in the structured document. Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the SGML defined grammar methods taught by Shafer provide a reasonable interpretation of the newly amended claim. The examiner notes that (as presently claimed), Shafer teaches a determination which is made as to whether each such acquired grammar element is combined with a rule of a given form of tree structure. See column 3, lines 33-40. The methods describe a judging means for extracting SGML tags. The secondary reference, Murashita, was used to teach a discriminating method, which examines tag elements and distinguishes between the structure of each tag within a document. See column 6, lines 55-65. The combination of the two references provides a reasonable interpretation of the claimed limitations when read as a whole.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ML
September 30, 2003


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100